

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEAN M. LANDRY,

Petitioner,

v.

SCOTT FRAKES,

Respondent.

Case No. C09-1350-RSM

**ORDER DENYING PETITION
FOR WRIT OF HABEAS
CORPUS**

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation.
2. Petitioner's petition for writ of habeas corpus (Dkt. No. 1) is **DENIED** and this action is **DISMISSED** with prejudice.
3. In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is **DENIED** with respect to all five claims asserted by petitioner in his petition.

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1 4. The Clerk shall send copies of this Order to petitioner, to counsel for respondent,
2 and to Judge Tsuchida.

3 DATED this 13 day of July 2010.

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7 RICARDO S. MARTINEZ
8 UNITED STATES DISTRICT JUDGE
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